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Held at the Palais des Nations, Geneva,
on Wednesday, 18 March 1998, at 3 p.m.

Chairman: Mr. SELEBI

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The meeting was called to order at 3 p.m.

TRIBUTE TO THE MEMORY OF THE FIVE MINUGUA STAFF MEMBERS KILLED IN A HELICOPTER ACCIDENT

1. The CHAIRMAN, speaking on behalf of the members of the Commission, conveyed to the families of the deceased and to the Guatemalan people and Government the sympathy felt by the Commission in the matter of the tragic helicopter accident that had claimed the lives of five MINUGUA staff members; he wished a speedy recovery to the four other persons who had been injured and of whom two were in a serious condition.

2. At the invitation of the Chairman, the members of the Commission observed a minute of silence in tribute to the memory of Mr. Omar Aguirre, Mr. Luis Escoto, Mr. Pablo Gorga, Mr. Celso Martínez and Ms. Lisa Malone.

STATEMENT BY MR. HIKMET SAMI TURK, MINISTER OF STATE IN CHARGE OF HUMAN RIGHTS OF THE REPUBLIC OF TURKEY

3. Mr. HIKMET SAMI TURK (Turkey) said that, as a founding member of the United Nations, Turkey had been one of the first States to adopt the Universal Declaration of Human Rights. Strongly committed as it was to the fundamental values enshrined in that instrument, Turkey hoped that the draft declaration on human rights defenders would be adopted by consensus at the current session.

4. The Republic of Turkey was a democratic, secular and social State governed by the rule of law and founded upon respect for human rights. Thus it had granted women the right to vote and to be elected in the 1930s, well before many other countries. The Turkish Government considered that States should constantly review their legislation and practices in the light of the basic principles proclaimed in the Universal Declaration of Human Rights.

5. Turkey was deeply concerned at the spread of racism, particularly in the Western countries; it was the main cause of the genocides perpetrated in the twentieth century and of the ethnic cleansing that was continuing today on an alarming scale. Turkey earnestly hoped that the work of the Commission and the deliberations of the projected world conference on racism would help the international community to combat racism and xenophobia, prominent among whose victims were migrant workers, especially in Western Europe, where 3 million Turkish citizens were living and working.

6. In Turkey a terrorist and separatist organization, the PKK, was threatening the country's national unity and territorial integrity and had caused the deaths of over 5,000 innocent civilians, in particular children, women and elderly persons. The Turkish Government, which in its struggle against terrorism respected law and human rights, invited the international community and the Commission to take a firm stand against terrorism and condemn it as a grave violation of human rights. As in previous years, Turkey would prepare a draft resolution on that question and hoped that the Commission would adopt it without a vote.

7. In his view, international forums for the defence of human rights should be helping to promote mutual understanding, cooperation and solidarity with a view to the realization of those rights in the world, rather than be used for levelling accusations against countries for certain purposes. The criticisms directed at any country whatsoever must be impartial, fair and constructive. Turkey took all allegations of human rights violations seriously, investigated them thoroughly and presented the results to the United Nations human rights mechanisms. The Turkish Government considered that freedom of opinion, expression, conscience and religion, together with entrepreneurial freedom, were inalienable principles, as indeed was laid down in the country's Constitution and in the international instruments to which it was a party. It was within that framework that the Turkish Government was taking the necessary measures to protect and promote the fundamental rights and freedoms of its citizens.

8. Acting in parallel with the Human Rights Commission set up by the Turkish Parliament in 1990 to monitor respect for human rights in Turkey and the rest of the world, the Human Rights Coordinating High Committee established by the Government had taken a number of administrative and legislative decisions. Recently, for example, a draft law to amend various provisions of the legislation regarding freedom of opinion and expression had been approved by the Council of Ministers and submitted to Parliament, which also had before it the draft of a new penal code drawn up by the Ministry of Justice and providing for abolition of the death penalty, which had not been applied since 1984. The High Committee also attached great importance to human rights education, which featured in the curricula of primary and secondary schools. Human rights were also included in the training given to the security forces and were the subject of awareness campaigns addressed to the public through radio and television. Finally, the High Committee had instituted a dialogue with the various segments of society and also with non-governmental organizations (NGOs), human rights defence associations, women's associations and academic circles.

9. He called the Commission's attention to the fact that the Turkish Government was striving to promote human rights in the very face of continuing terrorist activities threatening the country's territorial integrity. Turkey was one of the few countries to be taking measures in favour of human rights even while combating terrorism. The fact that human rights questions were the subject of lively discussions, in a democratic environment, on the radio, on television and in the press created a climate conducive to further progress in that regard.

STATEMENT BY MR. RODOLPHE ADADA, MINISTER FOR FOREIGN AFFAIRS OF THE REPUBLIC OF THE CONGO

10. Mr. ADADA (Republic of the Congo) said that his country had not always been able to ensure optimum promotion and protection of human rights despite the aspirations of the Congolese people, expressed in particular at the Sovereign National Conference convened by President Sassou-Nguesso in 1991. The peaceful political changeover on 30 August 1992, following the election of Mr. Pascal Lissouba to supreme office, had raised hopes that the Congo would serve as a model in the process of democratization that was taking place in Africa. Since then the country had experienced two civil wars which had

involved large-scale human rights violations. After defeating Mr. Lissouba, on 15 October 1997, President Sassou-Nguesso had immediately pledged himself to promote peace and national reconciliation, to restart the democratic process on a more solid footing, and to spare no effort to protect the human individual against torture or any other degrading treatment.

11. To attain those objectives, a national forum for reconciliation, unity, democracy and reconstruction in the Congo had been held in Brazzaville from 5 to 14 January 1998. The forum had established an interim parliament called the "Transitional National Council" which functioned as the legislature and which, in accordance with article 53 of the Fundamental Act, dealt with the defence and promotion of human rights. To perform that function, the Council had an "observatory" responsible in particular for inquiring into allegations of human rights violations. The composition of the Transitional National Council took into account all national sympathies. The forum had also set an electoral timetable for the re-establishment of a State genuinely ruled by law within a period not exceeding three years.

12. To achieve that, the Republic of the Congo needed the support of the international community in general and the Office of the United Nations High Commissioner for Human Rights in particular. With that in view, it was requesting the United Nations to provide consultative services. The Congolese Government was also ready to invite the competent thematic rapporteurs to come and conduct inquiries into the violations committed during the past five years and into their consequences. It was prepared to cooperate with any country or any organization wishing to learn on the spot the truth about the country's situation, and it was putting out an appeal to the international community to help it in building a new institutional order.

QUESTION OF THE VIOLATION OF HUMAN RIGHTS IN THE OCCUPIED ARAB TERRITORIES, INCLUDING PALESTINE (agenda item 4) (continued) (E/CN.4/1998/4 and Corr.1, 7, 8, 17, 18, 19, 20, 112, 116, 124, 125, 128, 133, 134 and 136)

THE RIGHT OF PEOPLES TO SELF-DETERMINATION AND ITS APPLICATION TO PEOPLES UNDER COLONIAL OR ALIEN DOMINATION OR FOREIGN OCCUPATION (agenda item 7) (continued) (E/CN.4/1998/30, 31 and 125)

13. Mr. BERNALES BALLESTEROS (Special Rapporteur), in presenting his report on the question of the use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination (E/CN.4/1998/31), reminded the Commission that, in its resolution 52/112 of 12 December 1997, the United Nations General Assembly had reaffirmed that the use of mercenaries and their recruitment, financing and training were causes for grave concern to all States and violated the purposes and principles enshrined in the Charter of the United Nations. The activities of mercenaries, whatever form they took, in particular when they were conducted under cover of services provided by modern security companies, must be considered as criminal offences and as violating the right of peoples to self-determination.

14. Paragraphs 18 to 23 of the report recounted the various terrorist acts that had been committed in Cuba and had resulted in the death of an Italian national. The Cuban authorities had arrested a Salvadorian national,

Raul Ernesto Cruz León, who had confessed to being the perpetrator of various attacks and to being a mercenary working for a Cuban opposition organization based in Miami. He, the Special Rapporteur, had received from the Cuban Ministry of Foreign Affairs a letter the text of which was reproduced in paragraph 20 of the report. He had also received a letter from the Government of the United States of America, in which that Government condemned the attacks in question and said it was ready to inquire into the possible involvement of Cuban organizations based in Miami. That letter would shortly be published in an addendum to the report.

15. In paragraphs 24 to 28, his report explained why Africa was the favoured sphere of action of mercenaries. Then, in the following paragraphs, it considered the practical consequences of the presence of mercenaries in the Democratic Republic of the Congo, the Republic of the Congo and Sierra Leone. In such a country as Sierra Leone, the presence of a company (Executive Outcomes) which employed mercenaries for security duties jeopardized the stability of the legitimate Government (para. 35). In fact, it was only thanks to the solidarity of the African States grouped together in the Economic Community of West African States that it had been possible to restore order in that country.

16. Paragraphs 47 to 66 contained a critical analysis of the current situation and of the limitations of international legislation with regard to mercenary activities.

17. In paragraphs 67 to 92 his report analysed the role played by private companies that offered security services on the international market, and put forward the hypothesis that those companies constituted a new form of intervention, modern and effective but akin to mercenary activities, since they intervened militarily and for pay in matters that lay within the exclusive competence of States. The international community could not tolerate interference in the internal affairs of countries by paramilitary enterprises with mercenary components, and still less so when they operated in poor countries which paid them at exorbitant rates. The case of Papua New Guinea, to which an enterprise of that type had offered its services in an internal conflict finally settled through national dialogue, was highly instructive in that regard.

18. The Commission on Human Rights must seek innovative and realistic solutions to help States which, teetering on the brink of chaos, were tempted to succumb to the siren songs of security service companies offering them their assistance. It was obvious that the sovereignty of States and the security of populations would be better safeguarded by United Nations rapid reaction forces or by peacekeeping forces for a given region. The will must also exist to undertake preventive actions that could obviate the need to resort to force.

19. In conclusion, he recalled that in its resolution 52/112 the General Assembly had urged all States to take appropriate legislative measures to neutralize mercenary activities and to cooperate fully with the Special Rapporteur, and had requested the Secretary-General to invite Governments to make proposals towards a clearer legal definition of mercenaries, who could nowadays present themselves in the guise of modern security specialists.

20. Ms. SHI YANHUA (China) said that since 1991 the Middle East peace process had made some progress, as shown in particular by the establishment of the Palestinian authority, which had given renewed hope to millions of Palestinians. At present, however, the peace talks were in an impasse owing to the attitude of Israel, which had built Jewish settlements in East Jerusalem and was refusing to withdraw its troops from the West Bank.

21. The Chinese Government, which had always supported the Palestinians in their struggle for the restoration of their legitimate rights, including the right to self-determination, firmly believed that all the countries and peoples of the region aspired to a just and comprehensive peace. It considered that the parties concerned should continue the peace talks on the basis of the relevant resolutions of the United Nations and the principle of "land for peace". Secondly, the parties should seriously implement all the agreements concluded and avoid any action that might be detrimental to the peace process. Thirdly, they should renounce all forms of terrorism and acts of violence so that the security of States and the right to lead a normal life could be guaranteed. Fourthly, they should strengthen economic cooperation between all the countries of the region. Fifthly, the international community must help the parties concerned to establish a comprehensive, just and lasting peace in the Middle East. China, for its part, would continue to cooperate in those efforts.

22. As clearly shown by the tragic situation in which the Palestinians had found themselves for the past 50 years, without a homeland the notion of human rights and fundamental freedoms was meaningless. The Commission must continue actively supporting the Palestinian people in their struggle for the restoration of their legitimate national rights pursuant to the Charter of the United Nations.

23. Mr. Joong Keun KIM (Republic of Korea) said that the human rights situation in the territories occupied by Israel remained disturbing and the peace process was under threat. It was absolutely imperative that Israelis and Palestinians, with the help of the international community, should put an end to the escalation of mistrust and violence by first of all applying the Oslo Accords and ensuring respect for human rights and the paramountcy of law. Secondly, emphasis must be laid on the economic development of Palestine and the effective utilization of its human resources. For its part the Republic of Korea had over the past four years contributed US$ 15 million to economic cooperation funds for reconstruction projects undertaken by the Palestinian people.

24. Finally, the key role that education could play in reviving trust and peace in the minds of the young must not be forgotten.

25. The Republic of Korea was ready to support any political initiative that duly reflected the relevant United Nations resolutions concerning the situation in the occupied territories, it being understood that the human rights of all citizens of the region, including the right to self-determination and the right to security of all countries in the Middle East, must be guaranteed so that the peace process could be brought to completion.

26. Mr. ZAFERA (Madagascar), referring to documents E/CN.4/1998/17 and E/CN.4/1998/19, expressed serious concern at the perpetuation by the occupying power, in the occupied Arab Territories including Palestine, of practices detrimental to freedom and human dignity and in conflict with the basic postulates of international law and with the principles of international humanitarian law. In spite of the declaration of principles concerning the interim arrangements for autonomy signed in Washington on 13 September 1993 by the Israeli Government and the Palestine Liberation Organization, and of the subsequent agreements, in particular the Oslo Accords, violations of human rights were continuing in the occupied Arab Territories, including Palestine, while Syrian Golan remained subject to the legislative and administrative measures and decisions imposed by the Israeli authorities. If the achievements of the peace process in the Middle East were to be safeguarded, violations of human rights in the region must cease and the international community must intensify its efforts to promote the effective implementation of the agreements concluded between the interested parties and the relaunching of the negotiations.

27. Madagascar also attached great importance to the referendum for the self-determination of the people of the Western Sahara which was to take place under the supervision of the United Nations, in collaboration with the Organization of African Unity. It supported the efforts exerted by the United Nations Secretary-General and encouraged direct contacts between the parties concerned to overcome the divergencies and smooth out all the difficulties so as to enable the identification process to be completed before 1 June 1998 and ensure that a free, orderly and impartial vote, unaffected by any military or administrative constraint, could be conducted.

28. Mr. AKAO (Japan) strongly urged all the parties involved in the Middle East peace process to spare no effort to overcome the difficulties preventing the resumption of negotiations. Japan would do everything it could to help strengthen the dialogue between the parties and create favourable conditions for direct negotiations. To that end, it had repeatedly called upon the Israeli Government to refrain from unilaterally taking measures that would jeopardize the atmosphere of trust essential to the success of the peace negotiations. It had also appealed to the Palestinian authorities to combat terrorism and cooperate with Israel in maintaining order.

29. Japan's economic assistance to the Palestinian people bore witness to its commitment to the peace process. A further aid programme, to the value of US$ 18.5 million, had been approved in February, bringing the total aid extended to the Palestinians by Japan over recent years up to over US$ 340 million. Also, in January 1996 the Japanese Government had sent to the region a 77-member team of observers in connection with the elections organized in Palestine. In addition, Japan was contributing to the peacekeeping missions in the region and, since February 1996, had been participating in the operations of the United Nations Disengagement Observer Force (UNDOF) in Golan.

30. The goal of the peace process was not simply to bring hostilities to an end, but also to allow all the peoples of the region to enjoy a decent life. The only way to achieve that was to get the peace process moving forward and promote regional cooperation.

31. Mr. BENJELLOUN-TOUIMI (Morocco) observed with regret that the peace process in the Middle East was very seriously endangered. No real progress had been made in carrying out the planned timetable for the implementation of the declaration of principles. The negotiations on the permanent status of Gaza and the West Bank that were to have started in May 1996 and been completed within three years were still at a standstill. Most of the confidence-building measures provided for on paper remained unapplied.

32. The confidence engendered by the signing of the Al Khalil Accords on 15 January 1997, well after the initially planned date, had been seriously weakened by the decision of the Israeli Government to continue and intensify its policy of settlement in the occupied territories and in particular in East Jerusalem, where an unacceptable policy of Judaization was being applied. Its implementation was accompanied by almost daily vexations, hurtful to the dignity to the Palestinians, collective punishments, and sealing off of territories with resulting enormous losses for the Palestinian economy. It was nothing but a prolongation of the Israeli occupation of the Palestinian territories, which was the basic cause of all the violations committed, including during the transitional period, without a vestige of respect for humanitarian law.

33. The Moroccan delegation deplored the fact that for over a year the Israeli Government had been primarily resorting to manoeuvres and preliminaries backed by threats and ultimatums in order to evade its international obligations. The new practice inaugurated by that Government of repudiating the commitments of its predecessor threatened to damage international relations seriously and create a dangerous precedent. Neither the praiseworthy flexibility that the Palestinian authority, under the direction of President Arafat, had consistently displayed in order to move forward the peace process, nor the appeals from the United Nations and the European Union, nor even the patient action of the United States of America seemed able to deflect the Israeli Government from its policy of stubbornness.

34. Faced with that situation, the international community must show its determination and its commitment to peace and to the realization of the hope that the Oslo Accords had brought to the entire region. The revival of the peace process would require meticulous respect for human rights and humanitarian law. The road to a just and comprehensive peace in the Middle East lay through the withdrawal of Israel from southern Lebanon and the reopening as soon as possible of the negotiations with Syria, on the basis of the relevant resolutions of the United Nations General Assembly and Security Council.

35. Mr. AMAT FORES (Cuba) said that the rising tension and growing violence in the Middle East were extremely worrying. It was evident that the occupying power was continuing its policy of colonization aimed at assimilating the occupied territories by force. The practices infringing the four Geneva Conventions had been accompanied, as stated in the report of the Special Rapporteur (E/CN.4/1998/17), by a closure of the occupied territories which constituted a collective punishment with devastating effects on the fragile Palestinian economy.

36. Equally worrying, in the view of the Cuban delegation, were the repeated decisions of Israel's High Court of Justice effectively authorizing the application of "moderate physical pressure" to Palestinian detainees being interrogated on presumption of having committed offences against security, which amounted to approving torture as a legitimate means of obtaining confessions. To that dismal picture must be added the reprehensible incident that had occurred on 10 March 1998, when Israeli soldiers had killed three Palestinian workers and wounded nine others.

37. Since the basic cause of the human rights violations in the occupied territories was the maintenance of the Israeli occupation, the establishment of a just, lasting and comprehensive peace was conditional upon the complete withdrawal of Israel from all the occupied Arab territories, including Syrian Golan and southern Lebanon. Cuba hoped that on the completion of that process the Palestinian people would at last be able to exercise their inalienable right to self-determination and set up an independent State.

38. Mr. KUCHINSKY (Ukraine), referring to the situation in the Middle East, deplored the escalation of violence that had marked the year 1997 and appealed to the parties to refrain from any action that could jeopardize the fragile peace process. It was indispensable that the parties should return to the negotiating table and honour the terms of the agreements signed at the Madrid Peace Conference and at Oslo, and that they should apply resolutions 242 (1967) and 338 (1973) of the Security Council, including the principle of "land for peace". Failure to honour those commitments might lead to unpredictable consequences. Ukraine hoped that a mutually acceptable solution would be found to the difficult problem of the future of the holy city of Jerusalem and that by the end of the century the Palestinian people would at last be able to exercise their inalienable rights and achieve self-determination within their own State.

39. With regard to item 7 of the agenda, Ukraine recognized that self-determination was an inalienable right of all nations, always provided that it did not automatically imply the right to secede. Several major criteria must govern the exercise of that right: adhesion to the principles of democracy; protection of human rights and the rights of national minorities; recognition of the inviolability of the State frontiers; and peaceful settlement of differences. Those principles, which were the cornerstone of contemporary international relations and the guarantee of peace and stability, amounted in sum to the right to autonomy - the autonomy on terms which varied according to circumstances. Thus, Ukraine had granted one of its regions, the Crimea, an unprecedented degree of administrative autonomy in order to reduce tensions in that part of the country. Unfortunately, some political groups in the Crimea had rejected that autonomy and wanted separation from Ukraine, for which there was no justification since there existed in Crimea no people possessing an identity, a language, a culture and traditions of its own.

40. In his delegation's view, it was essential to redefine the very concept of self-determination. Now that the era of empires and colonial oppression was past, universal approaches to the principle of self-determination must be

worked out in order to prevent confrontation in inter-ethnic and inter-State relations. Ukraine was ready to contribute to that endeavour in a constructive way.

41. Mr. MORJANE (Tunisia) expressed his very deep concern at the deterioration of the situation in Israel, as described in the report submitted to the Commission by Mr. Halinen (E/CN.4/1998/17). Israel was persisting in its policy of territorial expansion and expulsion of Palestinians. Over 3,000 Palestinians were detained in Israeli prisons and internment camps. Israel's High Court of Justice authorized torture despite unanimous condemnation by the international community. Israel did not comply with the United Nations resolutions enjoining it to apply the Fourth Geneva Convention. It persisted in its policy of fait accompli, notably in regard to the establishment of new settlements, despite all the censure which that policy had provoked, in particular on the part of the Group of Ten.

42. Tunisia was all the more concerned about that situation in that it had made a big contribution to the efforts that had resulted in the Madrid Conference and had had high hopes that the peace process would finally bring about a lasting solution. It appealed to the Israeli Government to put an end to its policy of confiscation of Palestinian land, to the sealing off of Palestinian territories and to its violations of international law, and to cease challenging the legitimacy of the decisions taken by the world community. It was imperative to salvage the peace process, to ensure that the principle of "land for peace" was honoured and to create a climate favourable to the withdrawal of Israel from Golan, southern Lebanon and Palestine.

43. Mr. TURKI AL-MAHDI (Saudi Arabia) noted with deep dissatisfaction and concern that the Commission's resolutions were not producing any improvement in the human rights situation in the occupied Palestinian territories, where on the contrary the records showed an increase in infringements of those rights. One such instance was the murder of three Palestinian workers that had taken place just before the opening of the Commission's present session. In Palestine collective punishments, demolition of houses and expulsions were continuing and the High Court of Justice authorized torture, although Israel had ratified the Convention prohibiting that practice. Sadly, the freezing of the peace process could not but entail further violations of human rights, for those violations were intrinsically linked to the occupation of the Palestinian territories. Saudi Arabia called upon the Commission to pronounce, once again, a firm condemnation of Israel.

44. Mr. MELIK-CHANAZARIAN (Armenia) considered as justified the priority which the Commission traditionally assigned to the agenda item relating to the right to self-determination, which Abraham Lincoln had considered as the most precious and sacred of rights. It was on the strength of that right that 200 States had acquired their independence upon the planet.

45. That being so, it was regrettable that the representatives of some of those States should persist in emptying the self-determination principle of its substance, claiming that it had fulfilled its historical function and was no longer applicable, or that it was incompatible with the principle of territorial integrity.

46. He would like to remind the Commission that, while the principle of territorial integrity was indeed mentioned in the Charter of the United Nations, it was only in the context of relations between States, whereas the principle of self-determination concerned the relations between a State and a people within that State. Thus the universal principle of the right to self-determination, as set out, for example, in chapter VIII of the Helsinki Final Act, was fully applicable to the Armenians of Nagorny Karabach.

47. In response to the wish expressed by the United Nations Secretary-General and the Chairman of the Commission, the Armenian delegation would refrain from politicizing the debates and, in that spirit, would unilaterally renounce the use of its right of reply during the current session of the Commission.

48. Mr. MADADHA (Jordan) said that the fiftieth anniversary of the declaration of human rights was the occasion for a reminder that the past 50 years had been marked, for the Palestinian people, by constant violations of those rights. The occupation constituted an infringement of all the basic rights and a crime against international peace and security. Regrettably, the peace process had been steadily losing momentum for the past two years, belying the hopes of seeing the Palestinian people freed from that occupation and from the violations of their fundamental rights that stemmed from it. And yet the latest events had shown the imperative need for a comprehensive peace settlement based on justice, mutual respect and dialogue.

49. As pointed out by the Special Rapporteur in his report, there could be no lasting peace without respect for human rights and without social and economic development. Jordan also shared the Special Rapporteur's view as to the need to approach peace in the Middle East from a regional perspective, profiting by the experience of the Conference on Security and Cooperation in Europe. Whatever happened, it would be impossible to ensure stability in that region without taking into account the right of the Palestinian people to self-determination. It was hard to see how genuine peace could reign while collective punishments, legalized torture and illegal settlement building continued. Jordan, which had dedicated all its efforts to the peace process, was wondering how that process could be revived in face of the policy pursued by the Israeli Government, which was manifestly putting every possible obstacle in its way.

50. The Jordanian delegation urged the Government of Israel to cooperate with the Special Rapporteur, bearing in mind that full respect for Palestinian rights was as vital for the people of Israel as for the Palestinians themselves. By putting an end to the constant violations of the basic rights of the population of the occupied Arab territories, including Palestine, the Israeli Government would give tangible proof of its determination to establish trust and peace between Arabs and Israelis.

51. Mr. SALMAN (Iraq) observed that, since the adoption in 1960 of the Declaration on the Granting of Independence to Colonial Countries and Peoples, the principle of the right to self-determination enshrined in that Declaration had been constantly violated, particularly in Iraq. As an independent country, Iraq had been and was still the target of attempts at direct military intervention by the United States and Great Britain. On several occasions,

in 1992, 1993 and 1996, missiles had been launched against Iraqi territory. The United States were trying to interfere in Iraq's internal affairs and overthrow the existing regime. They were perpetuating the embargo against that country, although it had honoured its commitments, and were doing their best to undermine its independence. The international community should firmly condemn and reject those threats hanging over a people's right to self-determination.

52. Mr. ZAHRAN (Observer for Egypt), referring to the crisis situation in the Middle East region, stressed that Israel, in defiance notably of Security Council resolutions 242 (1967) and 338 (1973) and of resolution 1997/4 adopted by the Commission, was continuing not only to make light of the Palestinian people's right to self-determination but also to deprive the Palestinians of the very content of that right, namely their land. Israel's policy of colonization was effectively reducing the occupied territories to the status of bantustans in defiance of all the principles of international law, as had just recently been declared by Mr. Robin Cook, Minister of Foreign Affairs of Great Britain, which was currently exercising the presidency of the European Union. Completely isolated as it was in the international arena, Israel would never be able to convince the world that its policy of confiscation and settlement of other people's land was a legitimate act. The facts spoke for themselves. Egypt hoped that, with the fiftieth anniversary of the Universal Declaration of Human Rights currently being celebrated, the peace process still had a chance in that region of the world.

53. Ms. PISCIOTTA (International Federation for the Protection of the Rights of Ethnic, Religious, Linguistic and Other Minorities) said that the case of Hawaii was a perfect illustration of the connections between refusal of the right to self-determination and the discriminatory policies pursued by States against indigenous populations. It might be recalled that the kingdom of Hawaii, overthrown in 1893 by the army of the United States of America, had been included by the United Nations on the list of colonial or non-self-governing countries. Since then, although the American Congress had passed a law apologizing to the Hawaiian people for having deprived them of their right to self-determination, they still did not enjoy the self-governing status granted, for example, to Indians or Alaskan natives. Under the federal legislation, the Hawaiian people (Kanaka Maoli) were under State wardship and had no rights over their lands or resources. The State of Hawaii and the United States of America were subjecting them to a form of racial, cultural and political discrimination contrary to article 2 of the Universal Declaration of Human Rights and incompatible with the general recommendation on the rights of indigenous populations adopted by the Committee on the Elimination of Racial Discrimination (A/52/18).

54. Noting that the fiftieth anniversary of the Universal Declaration of Human Rights coincided with the centenary of the illegal annexation of Hawaii by the United States of America, she said that the Hawaiian people would continue to work for the adoption of the draft declaration on the rights of indigenous peoples. She stressed in that connection that the international instruments for the protection of indigenous peoples were inadequate and urged the member States of the Commission and of the United Nations to rectify that situation by granting those peoples the right to self-determination.

55. Mr. CHISHI SWU (Society for Threatened Peoples) referred to the struggle for self-determination waged for 50 years by the Naga nation, part of whose territory had been under British occupation from 1881 to 1947. After decolonization, a nine-point agreement had been signed with the Indian Government providing for that territory to be placed under Indian administration for a period of 10 years, after which the Naga nation would decide freely upon its status. However, India had soon gone back upon its promise, threatening to resort to force if the Nagas refused to join the Union. On 14 August 1947 Nagaland had declared its independence. In 1950 the Indian Government and the United Nations had been informed that the Nagas no longer recognized the Indian Constitution. The following year, a historic plebiscite had confirmed the population's aspiration to independence. In 1954, thousands of Indian soldiers had invaded Naga territory, where they had perpetrated all kinds of atrocities. While India had been hypocritically preaching non-violence to the world, that cold-blooded campaign of terror had claimed 150,000 lives within 10 years.

56. After causing so much suffering, the Indian political and military authorities, at last recognizing the futility of their attempt to force the issue, had agreed to the opening, with no prior conditions, of ministerial-level negotiations that might be held anywhere outside India. While welcoming that prospect, he stressed that, contrary to what India gave to understand, the question of the independence of Nagaland was not a matter of separatism or secession but simply of the right of the Naga people to self-determination.

Statements in exercise of the right of reply

57. Mr. SINGH GILL (India), referring to the statement by the Pakistani delegation, observed that Pakistan had remained deaf to the appeals addressed to delegations by the Chairman of the Commission asking them to refrain from unnecessarily politicizing the discussions. India rejected with all the contempt that they deserved the untrue allegations of the Ministry of Foreign Affairs of Pakistan. Stressing that allegations of that kind were hardly conducive to the dialogue which Pakistan claimed, with the current change of government in India, to be seeking, he declared that the State of Jammu and Kashmir was and would continue to be an integral part of India. He would add that the rights of the population of Jammu and Kashmir, which had elected their own Government and their own representatives in Parliament, did not need to be championed by a country that trained terrorists and bore the responsibility for the deaths of thousands of innocent men, women and children in that State and in other parts of India. Finally, he advised Pakistan, if it really wanted to promote human rights, to look rather to the plight of its own citizens and particularly of women and minorities. His delegation would refrain from asking for the floor again, even if the Pakistani delegation wished to prolong the debate.

58. Mr. QAZI (Pakistan) said that his delegation, too, was tired of constantly having to bring up the situation in Kashmir before the Commission. However, he noted that, unlike other countries responsible for flagrant human rights violations that had yielded to international pressure or, like South Africa, had decided of their own accord to change their attitude, India continued to show scorn for international law and opinion whenever the

question of self-determination for the population of Kashmir came up before the Commission or the Sub-Commission, even going to the length of exerting pressure to restrict the activities of NGOs that raised embarrassing questions.

59. Rejecting the assertion that the Pakistani delegation was taking liberties with the truth, he reminded the Commission that Jawaharlal Nehru, the then Prime Minister, had declared that India was ready to change its Constitution if the population of Kashmir declared for independence. In the event, however, no referendum had ever been held to allow the population to express its views. Further, he considered that India was in no position to be preaching about terrorism. On that subject, he read aloud an extract from the report of an Indian human rights defence organization, the Civil Liberties Union, which described the campaign of terror waged in Kashmir by armed groups supported behind the scenes by the Indian military command.

60. Mr. TANDAR (Observer for Afghanistan) replied to the Minister for Foreign Affairs of Pakistan, who on the question of human rights in Afghanistan had invited the international community not to take a selective view of the situation. The events cited by the Pakistani delegation had occurred during a military offensive exceptional in its atrocity launched by the Taliban themselves, who had stopped at nothing, even mutilating innocent men, women and children with their bayonets. Out of respect for diplomatic propriety and as an earnest of good will he would not cite either the name or the nationality of a high-ranking diplomat, nor the make or origin of the troop transport aeroplanes that had accompanied the Taliban offensive in the town of Mazar-i-Charif, but did wish to mention the fact that they had been able to return to their country of origin. He would add that, on the question of human rights in Afghanistan, the Pakistani delegation appeared to be thoroughly isolated in the international arena and that the vile and barbaric practices of the Taliban had no chance of being accepted by the international community and world opinion.

61. Mr. AKRAM (Pakistan), desirous of clearing up the misunderstanding that had arisen with the Afghan delegation, said that Pakistan was anxious only to help towards a consensus with a view to national reconciliation in Afghanistan.

62. His delegation's comment had been intended simply as a reminder that 3,000 Taliban fighters had been murdered, for that piece of information had not, in his view, received all the attention it deserved.

63. That being so, Pakistan had never claimed that there had been no human rights violations in Afghanistan. It realized that atrocities were still being committed there and considered that a stop must be put to them by peaceful means.

64. Mr. TANDAR (Observer for Afghanistan) said that he had taken note of the first and third parts of the statement by the Pakistani delegation and welcomed them.

65. Mr. OSAH (Observer for Nigeria) expressed surprise at hearing the delegation of Cameroon raising in the Commission the question of the

territorial dispute over the Bakassi peninsula, which Cameroon had itself brought before the International Court of Justice. His own delegation considered that the matter was sub judice until the Court handed down its ruling. He wished also to make it clear that there were no Cameroonian prisoners of war in Nigeria since Cameroon and Nigeria were not at war.

66. Mr. KOUOMEGNI (Observer for Cameroon) explained that the question he had wished to bring before the Commission was not that of the frontier conflict but that of the Cameroonian prisoners of war in Nigeria, who were not allowed to receive visits. The Nigerian prisoners of war detained in Cameroon could, for their part, at any time receive visits by ICRC delegates and the delegation of Cameroon intended to ask the Commission to adopt a resolution reminding the Nigerian Government of its obligations in that regard. If there were indeed no Cameroonian soldiers detained in Nigeria the matter was more serious, for it meant that the soldiers reported missing had been murdered.

67. Mr. OSAH (Observer for Nigeria) repeated that his delegation was not aware that the two countries were at war.

68. Mr. KOUOMEGNI (Observer for Cameroon) said that the Nigerian delegation must be the only one not to be aware of the conflict that had been taking place since the Nigerian army had moved into Bakassi, in November 1993. That was all the more surprising in that the clashes had left several more persons dead a few days previously.

The meeting rose at 6.10 p.m.